

# United States Senate

WASHINGTON, DC 20510

May 13, 2016

The Honorable Joseph G. Pizarchik  
Director, Office of Surface Mining Reclamation and Enforcement  
1951 Constitution Avenue, NW  
Washington, DC 20240

Dear Director Pizarchik:

I am writing in support of the Kentucky Energy and Environment Cabinet's letter dated April 5, 2016, regarding the Office of Surface Mining Reclamation and Enforcement's (OSM) refusal to comply with report language accompanying the Consolidated Appropriations Act of 2016 (P.L. 114-113). The language requires OSM to reengage with states in a meaningful way before finalizing the Stream Protection Rule (SPR) by providing the states with certain documents related to the rule and meeting with any state upon the request of the state. (161 Cong. Rec. H10217 (Dec. 17, 2015)).

Regarding the documents, Kentucky's Energy and Environment Cabinet Secretary Charles Snively noted in his April 5<sup>th</sup> letter that Kentucky has not received any response from OSM to Secretary Snively's February 8<sup>th</sup> letter requesting a list of all technical reports, data, analyses, comments received, and drafts related to the environmental reviews, and draft and final environmental impact statements related to the proposed SPR rule. I am incredibly concerned that this request was sent three months ago and, at the time of writing this letter, the request has not been fulfilled or even acknowledged by OSM. This proposed rule is going to have a major impact on Kentucky and our coal mining industry, and I expect that to responsibly draft a final rule, OSM will need to consider Kentucky's state-specific concerns. Unfortunately, Kentucky cannot provide that feedback until OSM provides Kentucky with the information Secretary Snively requested of OSM.

Additionally, regarding the meeting, while I appreciate OSM's offer to meet with states during the Interstate Mining Compact Commission's annual meeting and regional meetings in April, the Kentucky representatives could not attend the annual meeting over 800 miles away in Lake Placid, NY. The regional meeting in Pittsburgh was a better alternative, but a six-hour meeting for the purpose of addressing all the state-specific concerns of all the attendees from a number of different states is not satisfactory for the purposes of the requirement in the report language, which states that OSM must meet with states individually at the request of the state.

I respectfully request OSM fully comply with the Omnibus Appropriations Report language by providing Kentucky with all documents, including all drafts relative to the draft and final environmental impact statements, called for in the report language. I ask that OSM send these materials on or before May 27, 2016. The Cabinet will need to receive these documents and have the necessary time to review them before requesting a meeting with OSM prior to SPR finalization. In addition to sending the required documents, please indicate when OSM plans to reopen the public comment period for the proposed SPR and its associated draft and final environmental impact statements and regulatory impact analyses after having provided meaningful consultation with Kentucky's Energy and Environment Cabinet. I also request that any information OSM sends to Secretary Snavely, that OSM also send a copy to my office at 167 Russell Senate Office Building, Washington, DC 20510.

I look forward to OSM engaging with Kentucky and other states in a meaningful manner on the proposed SPR.

Sincerely,

A handwritten signature in blue ink that reads "Rand Paul". The signature is written in a cursive, flowing style.

Senator Rand Paul

CC: Secretary Sally Jewell